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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,305	07/12/2000	David Fischer	FREL.P-045	1839
21121	7590	08/10/2004	EXAMINER	
OPPEDAHL AND LARSON LLP P O BOX 5068 DILLON, CO 80435-5068			GECKIL, MEHMET B	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/614,305	FISCHER, DAVID	
	Examiner	Art Unit	
	Mehmet B. Geckil	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-8 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNeill et al in view of Cantos et al.
4. McNeill et al (6,421,706) taught the invention substantially as claimed including a system and method for executing a plugin, comprising the steps of:
 - a) transmitting the plugin through a network to several computers (Figure 1, remote computers 112-115) ; and
 - b) causing the several remote computers to execute the plugin. See col 9, lines 14-67; col 10; and col 11, line 1 et seq. See especially the sections explaining the code in the HTML page which specifies the plugin and upon the transmission of the HTML page to the remote computers, the plugin was executed. See for example, col 10, lines 11-48 and col 11, line 1 et seq. The javascript coming from the server determines the remote computers browser type and then sends the proper plugin. See also col 10, line 49 et seq. Applicant should note that McNeill et al teachings differ from the conventional plugin wherein the end-user manually configures the browser to execute certain plugins.

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In McNeill's case, unlike the conventional plugin execution, the HTML code that is transmitted from the central server specifies execution of the plugin and provides the plugin for the remote client computer (see the javascript code listed in TABLE T3. Especially, see the "embed..." code which starts at col 11, line 30 et seq.) In the same field of endeavor Cantos et al (6,529,784) taught plugin transmitted by a control server (4) caused monitoring of the target computer and further caused transmitting of the data to the control server for monitoring purposes (see col 4, line 26 et seq.) It would have been obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of McNeill et al and Cantos et al so that Cantos et al's plugins would transmit data to the server for monitoring purposes and all other purposes like testing and the like to advance remote server monitoring capabilities of the server.

5. Other claimed features, e.g., monitoring taught by McNeill, (see, col 18, line 50 et seq.) Remote execution by plurality of computers, e.g., simultaneously are all inherent features of the Internet http protocol execution, e.g. all browser can execute simultaneously at the server is well known by everyone with any common and ordinary skill in the Internet browsing art and inherent features of the interactive browsing in the internet.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Chan et al (6,397,256) taught a system for monitoring Internet usage including transmitting browser activity from the computer terminal to a monitoring unit through a plugin software package (see col 1, line 47 et seq and col 3, line 3 et seq.)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Jack Harvey, can be reached on (703) 305-9705. The fax phone numbers for the organization where this application or proceeding is assigned are listed hereinbelow.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800/4700. Customer service number is (703) 306-5631.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

2/9/04


MEHMET B. GECKIL
PRIMARY EXAMINER

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